

Town of Bedford

Conservation Commission Minutes

August 22, 2023

A meeting of the Bedford Conservation Commission was held on Tuesday, August 22, at the BCTV meeting room at 10 Meetinghouse Road, Bedford. Present: Patricia Grogan (Chair), Stephanie Jones (Vice Chair), Kathleen Bemiss (Town Council alternate member), Deborah Evans (member), William Carter (Town Council Representative), Brian Labrie (alternate member), Kathleen Ports (Conservation Planner). Absent: Peter Sullivan (member), Julie Donovan (member), Grant Killian (alternate), Joanne Smith (alternate), Stephen Clough (Planning Board representative).

I. Call to Order and Roll Call

Chair Grogan called the meeting to order at 7:00 p.m., initiated Board introductions, and appointed Mr. Labrie to vote this evening. Ms. Ports reviewed the agenda.

II. Approval of Minutes: Regular Meeting and Non-public session: July 25, 2023.

III. Dredge and Fill Applications:

1. **Hakan and Medine Onan** - Review of a request for an expedited minimum impact wetland permit for permanent impacts to 740 s.f. of forested wetland for construction of a driveway serving a new lot resulting from a proposed subdivision of the parent lot at 7 Hamilton Way, Lot 27-17-1 in the R&A. *Withdrawn at the Request of the Applicant.*

IV. New Business:

1. **McCarthy Family Revocable Trust / Shaun Oparowski and Molly Ann McCarthy Trustees** - Request for a variance for an in-ground pool within 29 feet of the edge of wetland where 50 feet is required at 59 Whippoorwill Lane, Lot 1-75-15, zoned R&A.
2. **Matthew and Debra McLaughlin** - Request for a variance for expansion of a car port within 34 feet of the edge of wetland where 50 feet is required at 12 Briar Road, Lot 20-91-5, zoned R&A.
3. Regional Open Space Team

V. Old Business:

1. Updates on previously reviewed permits and ZBA applications
2. October Workshop

VI. Pulpit Rock Subcommittee Report

VII. Trail Stewards Report

VIII. Announcements

IX. Non-Public Session

Per RSA 91-A:3, II(d) for consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.

Mr. Labrie read the Commission's Mission Statement:

The mission of the Bedford, NH Conservation Commission is to protect, preserve and conserve the Town's natural resources and open space land for a common good. This includes stewardship and management of conservation lands, protecting wetlands and vernal pools, and the planning and acquisition of land for conservation purposes. The Commission works with landowners to administer State and Town wetland regulations and advises other Town Boards such as the Planning Board and the Zoning Board of Adjustment on the environmental impacts and alternative considerations regarding development projects. The Conservation Commission promotes conservation activities and communicates with the citizens of Bedford on important environmental issues. Our motto is *Keeping Bedford Beautiful*.

II. Approval of Minutes – Regular Meeting and Nonpublic session: July 25, 2023.

MOTION: Vice Chair Jones moved to approve the July 25, 2023 meeting minutes. Ms. Evans seconded the motion. ALL IN FAVOR – unanimous. Motion carries.

MOTION: Vice Chair Jones moved to approve the nonpublic meeting minutes for the July 25, 2023 meeting. Mr. Labrie seconded the motion. ALL IN FAVOR – unanimous. Mr. Carter abstained from the vote. Motion carries.

III. Old Business: None

IV. New Business:

- 1. McCarthy Family Revocable Trust / Shaun Oparowski and Molly Ann McCarthy Trustees -** Request for a variance for an in-ground pool within 29 feet of the edge of wetland where 50 feet is required at 59 Whippoorwill Lane, Lot 1-75-15, zoned R&A.

Mr. Shaun Oparowski presents: Hello, my name is Shaun Oparowski, and I reside at 59 Whippoorwill Lane in Bedford. We would like to put an in-ground pool in our backyard. As you can see, we have an area picked out behind the existing house. It's the only spot in the yard where it could fit. If we were to put it to the left, it would be even closer to the left, into the wetlands. That spot in the backyard gives us the most room and also allows for a buffer from the edge of the pool to the actual edge of our grass to the wetland area. And if we were to go further to the right, closer to our neighbors, it would be right up on the property line. We're requesting to put in a 12 by 30-foot pool. There is some wiggle room where we could move it maybe a little bit closer to the house, so it's farther from the back edge of the yard. I think I have it set back at roughly 10 feet. I didn't measure it exactly from the foundation. So, we could bring it closer to the house if. If so requested.

Ms. Jones asked if you were going to consider moving it closer to the foundation, how many feet are you considering? Mr. Oparowski replied I could move it as far as the building committee, or the Zoning Board, would let it. I'm not sure how close you could get to the foundation. As close as we could because on the roofline, we already have a gutter installed, so the rainwater is not going to fall off and into the pool or onto the deck. There's already a back gutter there where that water runs into the existing drainage that we had to put in when we put the addition on the house roughly 12-13 years prior. And that new addition is the one off—if you're looking directly at the house, you can see the existing house, and then the addition is to the left. To the left of the pool is what we did 12 years ago. Mr. Carter said you usually went about 8 feet from the house because that becomes a patio. I mean that becomes an apron coming from the house out onto the pool. So if anything that could, well, maybe it might move it to be 30 feet from the wetlands. You're not really adding too much on that side because that is the short end over and that side is. So, moving it closer to the house might only gain an extra foot from the wetland.

Ms. Jones said I have a question about size of the pool. I didn't know if that was a consideration. Because I did look and see that there are 10 by 20 pools, 12 by 20-foot pools. I didn't know if that was ever consideration as opposed to a 12 by 30. Mr. Oparowski replied yes. I thought, when we looked at the pools, we went with the smaller size and I we picked one that was kind of in the middle. I mean, obviously you could go bigger. And then there was a smaller one, but this was the size that, for the use and the family, that we felt was of good size. But again, if we had to, I'm sure we could make it work. I'm willing and open for suggestions. Mr. Carter said it's really for the pleasure. I looked at that too, but to have them shorten it up, you're not gaining much if you look at that, at least that's from my standpoint. For residential, I'm kind of, if you get 25 feet away from the wetlands, I'm always going to recommend a rain garden or some kind of drainage that runs towards the wetlands so that the water is treated. Ms. Jones asked would they have room on the outside of the three-foot walkway area around the pool to do that still? Probably on the outside. Mr. Carter replied yes. Because if you're doing the excavation, at least, and I'm pretty consistent on this, in my time here is that some kind of drainage off from that area towards wetland. Treating it is the best and you're in there with a backhoe anyway, so it's the best time to put some kind of drainage pipe and some stone to allow that to happen. It's not more for the pool water as it is for any heavy rain, so we don't get heavy rains around here at all. It's just easier that way to allow the water to drain naturally, down the hill into that wetland.

Ms. Jones said and rain patterns are unfortunately changing, though. That's the only thing I would bring up as a consideration. I only asked because the 29 foot on that back corner that's kind of closest to the wetland. That's why I was asking about the 10 by 20. Something that would give you a little bit more room, but I understand size of the family and how much use you're going to be able to get out of it. It was just something that I wanted to bring up. I didn't know if you had any questions, Kathleen. Ms. Bemiss said I do, actually, and one might be for Kathleen to begin with. Is this the property right here? Ms. Ports replied yes, I believe so. Ms. Bemiss asked are these lot lines correct on this? Ms. Ports replied not necessarily. Ms. Bemiss continued because it definitely looks like the house is situated differently than on this. Ms. Ports agreed, yes, that one shows the shed. The aerial shows the shed at the property line, but those are not surveyed lines. Ms. Bemiss said OK. All right. I want to make sure that we're looking at the right lot and I guess I don't have questions. I have comments. You've already encroached on the wetlands for your breezeway and your garage. You've encroached for the unpermitted deck. And now we want to further encroach. So it will be 3 encroachments on wetlands in one yard.

Mr. Oparowski replied when we did the addition, that deck was part of the plans and approval that went into the committee when I sat in front of the committee 12, almost 13 years ago. That was all part of the drawings and design. So still we don't know why it's not showing up. Originally there was a question about

the shed and not having it permitted and all that. But I did have the permits and that shed went in the original spot—there was a shed there prior, but it was falling down. So again, the deck was already... Ms. Bemiss said so the deck was put on it at the exact same time as the garage and the... Mr. Oparowski replied at the exact same time, and it was all part of when the building committee came out and the inspectors and. Ms. Bemiss replied OK. I apologize. That's not how I read it, so thank you for clarifying. Mr. Oparowski said no, no. Well Kathleen said I need to go in front of the Zoning Board, just because there's no record of it, and do a reapplication for it. But that was all part of the original and when the building inspectors came out, they inspected everything and so that was all part of the original back roughly 12 years ago was when we finally finished it.

Ms. Ports said I could check the meeting minutes from the Zoning Board meeting back then. I did not do that. The record from the Building Department was that there hadn't been a permit. It hadn't been part. From their perspective, it was separate from the two buildings, and I don't know if it was because it needed its own separate permit or what happened. Honestly, the folks who were involved aren't here right now. I will check the minutes, though.

Mr. Carter asked does the whole house in the back have a gutter? Mr. Oparowski replied the whole house in the back except—the addition is an A-pitched roof. If you're looking at the house, it's pitched like this. So that portion of the addition does not have it. The existing house has a gutter on the whole length of the back of the house. Mr. Carter asked is there any gutter over that back deck? Mr. Oparowski replied yes. Mr. Carter continued and that goes into the whole system that takes the water away. Mr. Oparowski said the things that we had to dig—called French drains, I think, it used to be called that. We had to put those in on the back.

Ms. Evans said can I ask about the pool water itself? It says if it needs to be drained for repairs, you're going to use a tanker to take it offsite. Does any pool water come out of the pool any other time? Mr. Oparowski replied I would think maybe just when kids are splashing. Ms. Evans said yes, but no cleaning. Mr. Oparowski confirmed not for cleaning, no. Ms. Evans said nothing regular like that. Ms. Bemiss asked do they not backwash pools anymore? Is that not a thing? Mr. Oparowski said I don't know the answer to that. Ms. Ports said it depends on the system. It's not as common as it used to be.

Mr. Labrie said I have one question to add to that. So in the fall, when you winterize your pool, you're going to have to pump it down a little bit to get it below the jets and whatnot. Where does that water go when they pump it out? Mr. Oparowski said well, I guess we would do what the Town recommends. If we have to have it put into a tanker, then we would do that. I'm not sure exactly how much water would have to come out, and what's allowable to discharge to a different portion of the yard, away from the wetlands. Mr. Labrie asked is it a saltwater pool? Mr. Oparowski replied that was another—we're kind of going back and forth in whatever would be best for the placement of the pool. If salt water is better for the environment or for this use, then that's what we would go with. Or if you say, or someone comes and says saltwater is not appropriate for where you're located, we're very flexible on what type of water or system is used. Mr. Labrie said OK. I just thought that might be a consideration, because that's going to be an annual thing for you.

Ms. Ports said right now, the plans state that the water will not be discharged to the wetland and would be trucked off site. We could condition the approval on trucking it off site or the Board could also consider, as Bill had mentioned, some sort of location where it could be discharged and filtered onsite. Mr. Carter said basically, it's a French drain. It's just an additional French drain that allows treatment of that water

before it does get to the wetlands. It's pretty common that most people don't truck their water or pump their water out of their pools before they...

Mr. Labrie said so considering that this is 3 sides, all wetlands, and there's really not an opportunity other than the front yard to discharge and treat. Mr. Carter said well, that's why you put in the French drain, and you do some systems so that if some of it is pumped out, it is treated before it gets to the wetlands. It doesn't have a free shot going right to the wetlands. Mr. Labrie asked so, would that be a consideration for you to pump this forward? Mr. Oparowski replied oh, absolutely. We had to put them in when we did the addition. There are already existing French drains that run along the back of the house. Mr. Labrie asked do your gutters currently tie into underground drains? Mr. Oparowski replied they don't. They drop right into where the French drain, on top of the stone. So there's, on the backside of the house, and I might have the footage wrong: there's roughly 18 inches to two-foot-wide swath of stone, and that's where the rain gutter goes into that, into the French drain right there. Mr. Carter said it's usually 2 foot wide by about 3 feet deep.

Mr. Labrie said your water table right now, I don't see any topo. Is there a significant elevation change from where the pool is going to be to where the wetlands go to? Mr. Oparowski replied so the pool, the backyard—so when you're roughly looking at it, you see the, I'm going to use the green squiggly lines. That right there, roughly, is all flat or gradual with a little bit of the slope in the backyard, and then it drops off. You step down an embankment to get to the actual—it doesn't even really get wet out there. There's a brook that runs through, but it's a step down. So I would say roughly about two feet, if you were to step off, maybe even 3. In some spots, it's at least three feet.

Chair Grogan asked are there any more questions? Ms. Ports asked how many gallons is a 12 by 30-foot pool? Do you know? Mr. Oparowski replied I don't know the answer to that. Mr. Labrie replied it's probably around 20 thousand gallons. Ms. Ports asked so, what fits into a tanker truck? Mr. Carter said well, a pool of that size will probably take a couple trucks to fill. Mr. Labrie said at least 10,000 gallons in a tank. Mr. Oparowski said probably 2 tankers. Mr. Carter said and for the winter, you're just taking it down probably 3 feet. Mr. Labrie said well, you probably take it down to the tile, probably to the Jets. It's probably about a foot or 18 inches, you'll come down. Ms. Ports replied so, less than one tanker, potentially. Mr. Labrie said it would be way less than one tanker. It would be more realistic to... Mr. Oparowski said that's probably like about 500, 250 gallons? Mr. Labrie said yeah, it'd be more realistic to treat it off the front of the house, but the soils, if you have wetlands like this all wrapping this whole property, I've got to imagine that your water table is fairly high, and your soils are probably not super conducive to draining and leaching. Mr. Oparowski said well, the backyard doesn't get swampy. The actual part that we take care of, because as you can see, we own most of that wetland out there. So, the part where the house is built, that drains really well. The yard doesn't get soggy or any of that. Mr. Labrie said so, you don't have a sump pump in your basement. You're not doing that type of thing. Mr. Labrie replied there's one there. It was put in when we bought the house. I think probably about 10 years ago, we had to use it. That was because of a crack by the sewer pipe where it comes in it rained heavy that time and we got water in the basement. But it's never risen up from the hole in the floor and come up through. And we have hadn't had to use the sump pump in years. Mr. Labrie said and you probably would have saw that this year. Mr. Labrie said yes, I was watching because we just had to replace it. Mr. Labrie said that's good. Good for you. Mr. Carter said you could always put a dry well in, too, if you needed to. That would give them some more protection.

Ms. Ports said another clarification, sorry. Where's the septic or leach field? Mr. Oparowski replied it's in the front of the house up in the front yard. Mr. Carter said so you're not going to want to pump water into

the front yard. Mr. Oparowski said in front of the existing house, just to—so if you come off the front corner, going towards the road, it's in that area right there. It's in the front yard. The septic tank is right in front of the front door, so about halfway down the house. Ms. Ports replied OK. So there's some room on the side yard in front of the shed, potentially. Mr. Oparowski said you get that whole yard. Right. Ms. Ports continued or around the backside of the pool, potentially. Ms. Bemiss asked where is your well? Mr. Oparowski replied the well is... Ms. Bemiss said oh, I see it. Mr. Oparowski continued yeah, off to the left, at the very far edge of the property line. Chair Grogan asked are there any more questions? [There were none].

MOTION: Mr. Carter moves that the Conservation Commission recommend approval of the request for a variance by McCarthy Family Revocable Trust / Shaun K. Oparowski and Molly Ann McCarthy Trustees, for the construction of an in-ground pool within 29 feet of the edge of wetland where 50 feet is required at 59 Whippoorwill Lane, Lot 1-75-15, subject to the following conditions:

1. The contractor will install and maintain erosion and sedimentation controls during construction.
2. The pool will not discharge chemically treated water into adjacent wetlands. All chemically treated water shall be pumped into a tanker truck and disposed offsite.
3. The area between the patio and the pool will be excavated and filled in with an 8-inch layer of rounded rocks for infiltration of pool water to prevent runoff to the wetlands.

Mr. Labrie seconded the motion with the 3 conditions.

DISCUSSION: Mr. Labrie said so, for clarification, it has to be pumped into a tanker? Mr. Carter replied according to staff recommendations, that's what's on here. Ms. Ports said if you have a chlorinated pool, I believe if you uncover the pool for seven days, then that chlorine burns off and so I don't know for sure if that would be considered chemically treated. Ms. Grogan said sorry, I don't know anything about pools. Ms. Bemiss said just a point of order. We need to have a second on the motion and then the discussion, I think. Mr. Labrie said oh, sorry. Mr. Carter asked didn't we have a second? Ms. Ports said not after you added conditions. Mr. Carter said oh, with the added three conditions. OK. Mr. Labrie seconded the motion with the conditions.

CONTINUED DISCUSSION: Ms. Bemiss said my question is how do we monitor and ensure that that piece takes place? That seems like a lot of burden on the Town to monitor that piece of it. Ms. Ports replied no. I will not be doing that. Ms. Bemiss said well, that's... Ms. Ports explained there's no one to do that. Ms. Bemiss said right, so I don't think that that's a condition that we can... Mr. Carter asked shall we strike Number 2? Ms. Evans said doesn't Number 2 only apply if there's a problem with the pool and it has to be completely emptied? Are we differentiating between that and winterizing when there's a limited amount of water? Ms. Ports said that's a good point. Mr. Labrie said I think we should use that language. We should define that, like you said. That's a good idea. I mean, if you're going to drain the whole pool, you need a tanker. Ms. Bemiss said if you're going to drain more than X amount. Mr. Labrie said exactly. Ms. Ports said any drainage beyond what's required for winterization would be... Mr. Carter said yes, OK. So, let's do this. All right, so condition Number 2: OK, well, that one's totally screwed up there now. Let's remove the pool will not discharge chemically treated water into adjacent wetlands because all chemically treated water that is done for the winterization of the pool will be pumped into a tanker and disposed offsite. No? Ms. Bemiss said no. Mr. Carter said we're just going to let him drain as long as he's going to...

Ms. Bemiss said as long as he puts in a new drain to accommodate the winterization. Ms. Ports said OK. So I think we need we need a condition for that filter and then what the second condition should state is: let's try to write this so that it can be read into records here.

Ms. Evans said so you could say for winterization, the pool must be drained into a properly constructed French drain. However, if the pool needs to be completely emptied for repair, it is a condition that the water be pumped into a tanker and disposed of offsite. Mr. Carter said perfect. I couldn't have said it better myself. Ms. Evans said I can't say it again.

Chair Grogan said I just have a question because I'm not familiar with, if you did the salt water, would that be less of a burden to do all this other stuff? Would you have to? I don't know. Mr. Carter said but he still has to drain it down to winterize it. Chair Grogan said well, yes, but I mean, is saltwater pool safer for the environment? Mr. Carter replied yes. Ms. Ports said it has sodium in it. Ms. Grogan is it safer than chlorine? Mr. Labrie said it's not. Chair Grogan said OK. Mr. Labrie said sodium is bad news for anything living. Chair Grogan said OK. Mr. Oparowski said because the chlorine burns off. Mr. Labrie explained the chlorine will vape off. Chair Grogan said OK. I didn't know. Mr. Labrie continued but the salt sticks around for a long time.

Ms. Bemiss said and I would say if it's more than one third of the volume of the pool, then it has to be. Because one third is what you would take it down to for your winterization. You would leave two thirds in. Mr. Carter said all right, so let's construct what this second condition will be. Chair Grogan asked are you clear on that, then? Mr. Oparowski replied I am, yes. Mr. Carter said we can use the Minutes of this video as our record for what has been just stated. I'll change my motion to go to that motion that we just... Ms. Bemiss said but I do think I think we need to clarify that the French drain needs to be a new French drain specifically for this. Mr. Carter agreed, saying yes, just for the pool. Ms. Bemiss continued and then regular winterization can happen, but if you drain it more than one third, you've got to tank it off. Mr. Carter said sounds good. Are you fine with that as a second? Mr. Labrie said yes.

MODIFIED MOTION: Mr. Carter moves that the Conservation Commission recommend approval of the request for a variance by McCarthy Family Revocable Trust / Shaun K. Oparowski and Molly Ann McCarthy Trustees, for the construction of an in-ground pool within 29 feet of the edge of wetland where 50 feet is required at 59 Whippoorwill Lane, Lot 1-75-15, subject to the following conditions:

- 1. The contractor will install and maintain erosion and sedimentation controls during construction.**
- 2. For winterization, the pool must be drained into a new, properly constructed French drain (specific to the pool). However, if the pool needs to be completely emptied for repair, or more than 1/3 of the pool water, it is a condition that the water be pumped into a tanker and disposed of offsite.**
- 3. The area between the patio and the pool will be excavated and filled in with an 8-inch layer of rounded rocks for infiltration of pool water to prevent runoff to the wetlands.**

Mr. Labrie seconded the motion. ALL IN FAVOR – unanimous. Ms. Bemiss abstained from the vote. Motion carries.

MOTION: Mr. Carter moves that the Conservation Commission recommend approval of the request for an after-the-fact variance by McCarthy Family Revocable Trust / Shaun K. Oparowski and Molly Ann McCarthy Trustees, for the construction of an existing deck within 29 feet of the edge of wetland where 50 feet is required at 59 Whippoorwill Lane, Lot 1-75-15. Ms. Evans seconded the motion. ALL IN FAVOR – unanimous. Ms. Bemiss abstained from the vote. Motion carries.

Mr. Carter said OK. You're all set. Ms. Bemiss said just so you know, I have to abstain because Bill is here, and you can't have two Town Councilors voting. It's not that I don't want to. Mr. Oparowski said OK. Chair Grogan said you are all set. Mr. Oparowski said thank you for your time. Chair Grogan said thank you. Have a good night.

2. Matthew and Debra McLaughlin - Request for a variance for expansion of a car port within 34 feet of the edge of wetland where 50 feet is required at 12 Briar Road, Lot 20-91-5, zoned R&A.

Mr. Matthew McLaughlin presents: Matthew McLaughlin is my name, 12 Briar Road. As you can see in the picture on your screen, right now I have a portico that covers the side door entrance to my garage. What I would like to do is remove the portico and build a similar, very low slanted roof, that will cover. I took the picture with my truck to show you kind of what I wanted to cover. You can't quite see it well in the photo, but right about there, there's an orange bucket, and then there's another one right back about there. That's how far the roof—it's not a flat roof, it's a very low slope roof, would cover. It would be similar to the portico I have now where it would be 6 by 6 pressure treated beams. It'd be open on the front side and back. You can see, I think it's got to be in here, I guess I should go slowly.

That is a view of the side of my yard where you can see where, as it goes down that slope, that's where the wetlands are further down. That's a view looking at it from the back. This picture I took to show you that I could not put it on the left-hand side or the north side of my house because it's landscaped and it's also that there's a change in elevation as you go up the stairs to get to the front door. This is the one. So you can see after I'm done, it's a 20 by 25 carport. It would be 34 and 45 feet from the wetlands, respectively, but most of it would still be within the footprint of my backyard. Do you need any more explanation, or can I open it to questions?

Mr. Carter asked what do you mean by most of it is? Mr. McLaughlin replied oh, 100 percent of it is in my backyard, I should say. Mr. Carter said OK. Mr. McLaughlin continued the area of the backyard that's currently grass and... Mr. Carter asked what kind of erosion control are you going to do? Because that takes a lot of—20 by 25 is almost putting a garage in that spot there. Because it looks from your picture that your gutter runs right off your existing one now. If I looked at the picture there correctly, your gutter runs right down to the center of your existing portico. And I would imagine that the portico is going to be a little bit higher on the wall there, because if you don't, you wouldn't be able to stand at the far end of it because it would be so short. So what is your plan? Because you are taking away all that grassy area and that treatment. It looks like you already have a gutter running off it. Is there a plan to try to catch that water or do something to drain that water? I think you were listening to the pool thing before. I think that might be another great idea is to have some way of trenching—have a dry trench there—that catches. Mr. McLaughlin asked what is a dry trench? Is it just... Mr. Carter said oh, it's just a ditch that runs... Mr. McLaughlin asked is it then filled with crushed stone or something like that? Mr. Carter replied yes, 2 feet wide by about 3 feet deep, running it to the edge, to that wetland there. Mr. McLaughlin said yeah, because that's what I basically, now, in this photo, between the truck and the portico is all crushed stone.

So, I probably would...Mr. Carter said but still you'd need to find a way to replace catching all that water, because you're talking about 20 by 25. What's that, 400 and what—my math? Mr. McLaughlin said roughly 450, I think. Mr. Carter said 450 square feet of hard surface that's catching all that water and it has to go somewhere. Have you ever thought about maybe putting a gutter at the end of it? Mr. McLaughlin replied I have not, but I'd be happy to. Mr. Carter said because that is a large structure that is covering up a lot of area that can catch water. That would be my recommendation to do that so that there is some treatment in catching of the water, and plus it will help you because most likely you're not going to run your gutter down to the center of this 20 by 25 foot. There's going to be somewhere for that gutter to go. Mr. McLaughlin replied right. Mr. Carter said that's all. Thank you. Mr. McLaughlin said I could definitely do a gutter on that. That would be not a problem. Mr. Carter said I'm not trying to add any extra money, but just trying to make sure that we catch as much as we can after that. Mr. McLaughlin said and I also plan on paving this underneath. Mr. Carter said oh, ok. Ms. Bemiss said changes from impervious. Mr. Carter said well, it's under cover, so it doesn't really matter. The water should not be rolling into that.

Ms. Bemiss asked may I ask a few questions? The portico. Is it currently permitted? Mr. McLaughlin replied no. I built that myself. Ms. Bemiss said OK. So that's the first question. Second question, how many garage doors do you have currently? Mr. McLaughlin said 2. Ms. Bemiss continued OK, so you could make this much smaller to fit one of your regular cars. Typical width of a garage is 12 to 15 feet, thereby decreasing your encroachment. Mr. McLaughlin said the two cars I have now are electric, so they need to be in the garage to charge. Ms. Bemiss said OK, a truck, you could still probably get in something much smaller with less encroachment. Mr. Carter asked is the 20 feet encroaching, or is it the 25 feet? Ms. Bemiss replied it's the 20 feet. Mr. Carter said so you're adding 13 feet from where the existing one is. Ms. Bemiss said look at where his truck is right now. So you've got a big distance from the house to there. That's essentially a two-car garage, if you came at it from the other direction. Mr. McLaughlin said my goal is to keep the walkway to my side garage door available. In the winter months, with my truck parked under the carport, I can walk between my truck and the house and enter the side garage door. Ms. Bemiss said and I do totally appreciate that. Our goal is to protect the wetlands. So we just have to find a compromise.

Mr. Carter asked did you say 20-foot deep, 25-foot wide, or is it the other way around? The existing portico is how big? Six by... Mr. McLaughlin answered 6 by—it's a little shorter than 20, probably 6 by—20. Mr. Carter said OK. Mr. McLaughlin continued this would add 13 feet to the width, and five feet to the length. Ms. Jones said I think it currently says 20 feet by 7 feet in the notes. Mr. McLaughlin said I can live with that. I think it's on one of the drawings. Ms. Ports said yeah, let's double check that. Ms. Bemiss said so if you decreased it by 5 or 6 feet, [crosstalk 38:13] sorry, you would decrease a lot of encroachment.

Ms. Ports said to me, it looks like it's 20 feet from the house to the outside edge. Mr. McLaughlin replied that is correct. Ms. Ports continued yeah. And then the total length is 25. Mr. Carter said so, basically saying maybe take 5 feet, so it's a 15 by 25? Ms. Bemiss said it would decrease the impact on that wetland. Mr. Carter said and then that would bring it close to 40 feet away, and it would take that one edge, probably make it so it's not even encroaching in the 50. But that's pleasure of what you guys want to do. Mr. McLaughlin said well, I would ask to keep it the size that it is. Ms. Ports said so basically, it's keeping the portico and then adding 13 feet for the truck. Is that sort of what you're saying? Mr. McLaughlin replied that's right. Mr. Carter said I think my feelings on this, as long as he puts gutters and puts erosion control where the water can go before it heads to the wetlands, I personally don't have an issue with this. And it was mentioned that putting pavement—would you consider just stoning it instead of paving it?

Mr. McLaughlin asked crushed stone? Mr. Carter confirmed crushed stone. Mr. McLaughlin said I'd prefer to pave it just for maintenance and you know. Ms. Ports said you're going to get snow in there. Chair Grogan said oh, you have to plow it. Mr. McLaughlin said yes, because it's got open sides and back, it'll turn into a... Mr. Carter said and this will stay open sided. Can they turn it and put hard walls on this down the road here, knowing that they've already got the quote unquote... Ms. Ports said not without a permit. Mr. Carter continued they'd need to permit it to put sides on? Ms. Ports answered they'd need a building permit. If they don't change the square footage, they wouldn't have to come back to the Commission.

Chair Grogan asked are there any more questions? Vice Chair Jones said I don't have a question, but I have a comment, and you're going to laugh at me on this one. It looks like on one of the images, it might be Japanese knotweed that you have on that line. That's invasive. You might want to consider... Mr. McLaughlin said I got a comment on that before. Vice Chair Jones said OK. I also noticed it. Ms. Bemiss asked could you point out what it looks like, so I know. Mr. McLaughlin said it's a bamboo, I think. Vice Chair Jones said it's that plant right there to the far right. Chair Grogan aside how do you get rid of them? Vice Chair Jones said there's quite a bit of treatment. Ms. Ports said you can cut it and cover it. Vice Chair Jones said I don't have the book with me. Chair Grogan asked cut it and cover it? And then it dies? Ms. Ports said yes, cover it with a with a black mat, and just keep it there for a period of time. You can cover it and spray it. Vice Chair Jones said there are some great resources from the state, too. Ms. Ports said I can send you information. Mr. Carter said because it looks like you'll have to do something with that when you do this construction. You're going to have to do something with that. It's going to be in your way. Most likely that's where your drainage is going to be put to go to the wetlands. because that is the closest point. As much as I'd like to see you start from the 50 foot, it's probably easier to start at the 29 foot and putting your drainage in and having all the water run that way versus having it run down 50 feet of your backyard.

Ms. Bemiss asked and your septic and well? Mr. McLaughlin said you can see it. It's in the front on the east side of my house right there. And the well is in my driveway. Ms. Bemiss asked is in your driveway, OK? Chair Grogan asked are there any more questions? [There were none.]

MOTION: Mr. Carter moves that the Conservation Commission recommend approval of the request for a variance by Matthew and Deborah McLaughlin for the construction of a carport within 34 feet of edge of wetland where 50 feet is required, at 12 Briar Road, Lot 20-91-05, subject to the following condition:

A gutter leading to a drainage control ditch 2 feet wide by 3 feet deep shall be installed to treat water before it goes down into the wetlands. Mr. Labrie seconded the motion.

DISCUSSION: Mr. Labrie said the only comment I have is if there's a way to rework the gutter that comes on to that portico now and send it the other way. It's hard to see which way that gutter tips off the house, but if there's a way to at least mitigate that top gutter and get that piece of it to go to the other end of the property...Mr. McLaughlin said it can dump into my driveway right there. Mr. Carter said well, if you're doing your work, you can bring the gutter all the way to the edge of the house, bring it down you 25 feet and tie it into that existing gutter at the bottom. Mr. McLaughlin said yes, I do have a better picture of the back of my house if you want to see it. I can tie the gutters together. I'll do my best. Ms. Ports said just to clarify, were you suggesting that you'd send the water somewhere else entirely? Mr. Labrie asked is there a way to bring that picture up? I don't want to prolong this, but I just want to look at the back of the house really quickly, if you if you have one. Ms. Ports said no, because you are talking about a lot of water

from both sources. Mr. Labrie said I am and I'm trying to keep the main roof's water—as you look at this, if you were to stand in the backyard and look at the back of the house. Mr. McLaughlin said the only section of my house that has a gutter in the back is the sunroom addition. So the rest of my house, if you are looking at the mouse... Mr. Labrie said that's what I was looking at there, yeah. Mr. McLaughlin continued that that has no gutter. The only part, when I put in the sunroom, the three-season room, that three-season room has a gutter. The rest of the back of my house does not. Mr. Labrie said all right. So what I was suggesting is not an option here, then. Mr. McLaughlin said right. You can't go further down the line of the house. Mr. Carter said it's just going to bring it more towards the front here and try to tie it into the new portico or carport. Mr. McLaughlin said yes, because dumping it in the driveway would probably make it ice in the winter. Chair Grogan said we had a second, correct? Mr. Carter replied yes, we did.

ALL IN FAVOR – unanimous. Ms. Bemiss abstained from the vote. Motion carries.

Chair Grogan said you're all set. Have a good night. Mr. McLaughlin said thank you.

3. Regional Open Space Team

Chair Grogan said so now we'll have a report from our Open Space Team. Ms. Ports said we do have a report from the Open Space Team later. But this is a different open space. I'm sorry. So apparently before COVID, I believe there was a Regional Open Space meeting, and apparently this happened in other parts of the state, that was hosted by Milford. It stopped for a number of years, and they are bringing it back. And now it's going to be coordinated through Wilton. I think what I like about it is just that it's just even like when you go to the New Hampshire Association of Conservation Commissions and you meet other commissions, and you hear what people are doing, it's just a great way to get ideas or like, hey, we have this pool problem. What do we do about it? Or how did you guys, you know? It's just great to meet some peers and also just get some timely information on what the region is addressing as a region.

The next meeting is Thursday at 6:30. I'm going. If anybody wanted to carpool, I'm willing to drive. It's on water quality and protection, which is, I think, something at the forefront of many residents in Town. And there'll be a Legislative Update with Barbara Richter, who is the President of the New Hampshire Association of Conservation Commissions. Whether you can make it to this meeting or not, actually, there is a Zoom option, I believe. Or a way to watch it after the fact, maybe. But you can get that information from Jennifer. They are looking for interest and future conversations and so they have a preliminary list here. So I would just encourage you to give some feedback to Jennifer or if there's another topic that she hasn't listed, to do that. And if you did not get an e-mail from Jennifer, then please let me know. I did just send her our updated staff list, so you all should have gotten an e-mail from her. Mr. Carter said I'm already on her list, so I get the emails directly from her. Ms. Ports replied right. I think they have opened up the meeting to include Town Councils and Planning Boards and other Town boards. Mr. Carter said it's very interesting. They started it back up two months ago, I believe, was the last time they had a meeting. I was there, and it was nice to hear what other towns are doing as you said. Because these towns are not in our district. Amherst is in a different district than where we are. So it's nice to listen and talk to those that are controlling or working on controlling the wetlands and stuff in other communities that are a little bit smaller than us. I venture to say that Wilton is the Bedford of 20 years ago, and what's happening in Wilton is everybody is moving in and building houses. And to see what they're going through now, compared, just like what Bedford went through about 20 years ago, with the housing boom and people moving into Southern New Hampshire. This is at the Town Hall. The road, which is Route 31, I forget the enormous number of cars that drive, and when you go over there, you'll see that this is not a wide road. This is downtown Wilton, where the Town Hall. It is packed, going in the morning out and then coming

back, in the evening right there. But it's good to see. I went there because hey, I like visiting other places and it was a really fun discussion when it came to what other towns, especially some of the smaller towns, are doing to try to keep their special places from being run over by development.

Chair Grogan asked so are you going to give an update on the open space? Are you prepared for that? Ms. Ports replied, we're going to do that during nonpublic. Chair Grogan said oh, OK.

V. Old Business:

Ms. Ports said I don't have any updates, but I just wanted to let you know that I do have a guest speaker arranged for the October workshop unless the Commission decides they have some other need or issue they'd rather spend time on. But a New Hampshire Fish and Game non-game biologist is going to come and talk to us about turtle habitat and the habitat here in Bedford and maybe, hopefully, what we could do to make improvements. Bedford has a state listed, let's see: threatened spotted turtles and endangered landings turtles and... Vice Chair Jones added wood turtles, too. Ms. Ports said maybe. Are they listed? Vice Chair Jones said yes. Ms. Ports said oh, OK. Then we have wood turtles as well. Maybe the hognose snake, which is also a state listed species. It's kind of a neat thing. And so if we had the opportunity to do some restoration work on Town conservation properties, I think that would be something we should consider. That's the plan. It'll be at the Public Library, and I expect that we will potentially get some public participation in that one.

VI. Pulpit Rock Subcommittee Report

Chair Grogan asked do you have an update, Deb, on the Pulpit Rock? Ms. Evans replied I do. The Pulpit Rock Subcommittee postponed its planned August meeting. Instead, they've been busy replacing all of the signage at Pulpit Rock with the new signs the Commission authorized Kathleen to purchase in May. Also, Kathleen reached out to Celine Berube, who leads the 20s and 30s Trail Group of the New Hampshire Chapter of the Appalachian Mountain Club, about returning to Pulpit Rock Conservation Area to complete the work they started on Scouting Way in July. Ritchie Holstein, Bedford Trail Steward and co-chair of the AMC New Hampshire Chapter Trail Subcommittee, will co-lead the workday with Celine from 9:00 AM to 4:00 PM on September the 9th. The next meeting for the subcommittee will be October or November, and I will let you know the date once it is scheduled. Chair Grogan said OK. Thank you.

VII. Trail Stewards Report

Ms. Ports said our summer intern is wrapping up his time with us, and I am very saddened to see him go. He's just been such a—he's fun, he's funny, he does all the stuff we ask him to do with a smile and he's just been great. And I think he's really enjoyed his time with us. He's leaving Wednesday.

We launched the Bedford Hollow Fairy House Trail on August 1st. And in the first three days, we had 30 different parties sign in to the register at the trail. Since then, we've had 90 total. I think that's a pretty good number. New houses have shown up and I think new houses will continue to show up. We're talking about potentially doing some seasonal events, but we are looking for volunteers to help monitor the trail and do repairs as needed. It wouldn't be a huge commitment, so if anybody was interested, they should get in touch with the Planning Department. Mr. Carter said we're going to have to find some small hammers and saws and stuff like that, small shovels. Ms. Bemiss said exactly. Ms. Ports said it's mostly a lot of glue. Mr. Carter said actually the latest edition of The Buzz on BCTV highlighted the hollow and the fairy houses. Ms. Bemiss said I think we should have WMUR come out to it. Ms. Ports said I think so, too. Ms. Bemiss said WMUR—are you listening?! Chair Grogan said good luck. Mr. Carter said maybe their program at 7:00. Ms. Ports said New Hampshire Chronicles. We have had several guests from out of town, I should say, Manchester and the Goffstown Allard Center YMCA came; one of their camps came. Mr.

Carter said I thought you thought about politicians. I thought you were mentioning that one of the major politicians stopped by to give a campaign speech in the hollow. Ms. Bemiss said you know, that would be interesting. Ms. Ports said, if they want to get new voters. Ms. Bemiss asked can we register them or not? Mr. Carter said we digress.

VIII. Announcements:

Chair Grogan said I'll read the announcements.

The Conservation Commission has partnered with the Bedford Public Library to bring the Big Read to the Bedford Community. The event will take place from September through November 2023 and will feature book discussions, public programs, and a public Q&A with the author.

The Bedford Public Library will be hosting two book discussions on October 16 and October 26. Other events include a presentation on Black Bear Happenings in NH by a NH Fish and Wildlife Steward on September 13; a New Hampshire Wildlife program presented by NH Audubon on October 21; and a Skywatch at Benedictine Park presented by the NH Astronomical Society on November 6. For more details about these events and to register, please visit the Library website, www.bedfordnhlibrary.org.

IX. Non-Public Session:

Per RSA 91-A:3, II(d) for consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.

MOTION made by Vice Chair Jones to go into nonpublic session per RSA 91-A:3, II(d) for consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community. Mr. Carter duly seconded the motion. Roll Call vote taken: Mr. Carter, Ms. Bemiss, Ms. Evans, Chair Grogan, Vice Chair Jones, Mr. Labrie all voted in favor. Unanimous. Motion carried.

The Commission moves to nonpublic session.

The public portion of the meeting ended at 7:58 p.m.

VI. Adjourn

MOTION was made by to leave nonpublic session at pm seconded the motion. Roll Call vote taken: Mr. Carter, Ms. Bemiss, Ms. Evans, Chair Grogan, Vice Chair Jones, Mr. Labrie all voted in favor. Unanimous. Motion carried.

MOTION to adjourn was made by at pm. M duly seconded the motion. ALL IN FAVOR – unanimous. MOTION CARRIES.

The next meeting will be held on September 26, 2023.

Respectfully submitted by Sue Forcier